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A.W.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
(Docket No. 402200)

In re the Application of
Wells et al.

Serial No. 09/491,899

Filed: January 27, 2000

For: GAMING TERMINAL AND
SYSTEM WITH BIOMETRIC
IDENTIFICATION

Group Art Unit: 2175

Examiner: Hassan Mahmoudi

RESPONSE TO OFFICE ACTION

MAIL STOP: NON FEE AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

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Technology Center 2100

Sir:

This is in response to the Office Action mailed January 27, 2004.

Claims 1-23 have been rejected on the basis of certain prior art references. In particular, claims 21-23 were rejected under "as being anticipated by *Walker et al.* (U.S. Patent 6,010,404)." However, this rejection is improper because it needs the approval of the Technology Center Director in accordance with MPEP § 2307.02 and MPEP § 1003.

On October 10, 2003, applicants filed a Request for Interference under 37 CFR § 1.607. The Request for Interference was accompanied by an Amendment, as required, among other things introducing new claims 21, 22 and 23, which correspond to proposed counts I, II and III, respectively. As pointed out in the Request for Interference and the Amendment, new claims 21, 22 and 23 were derived from *Bradford et al.* U.S.

Patent No. 6,612,928. Applicants' Request for Interference was for a declaration of an interference between the present application and the *Bradford et al.* patent.

As pointed out in the Request for Interference and the amendment, applicants' claim 21 corresponds substantially to claim 1 of the *Bradford et al.* patent. Applicants' claim 22 corresponds substantially to claim 2 of the *Bradford et al.* patent. Applicants' claim 23 corresponds exactly to claim 32 of the *Bradford et al.* patent.

The Office Action makes no reference to the Request for an Interference. Most significantly, claim 23 of the present application was rejected as being anticipated by *Walker et al.* Since claim 23 corresponds exactly to claim 32 of the *Bradford et al.* patent, approval by the Technology Center Director for such rejection is required by MPEP § 2307.02. The Technology Center Director's approval must be shown on the Office Action. See MPEP § 1003.

Therefore, it is believed that the Office Action should be withdrawn.

Respectfully submitted,
SEYFARTH SHAW LLP

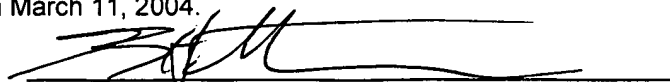


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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as First Class Mail in an envelope addressed to: Mail Stop: Non Fee Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on March 11, 2004.



Registered Attorney for Applicant
Date: March 11, 2004